



New Mexico
Environmental Law Center

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November 2, 2011

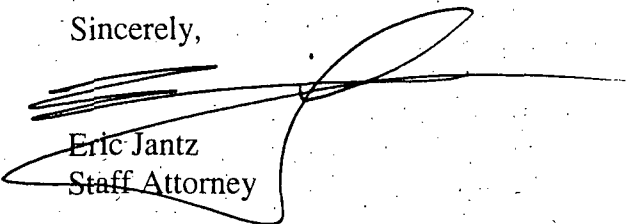
Ms. Florene Davidson, Clerk
Oil Conservation Commission
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Re: Case No. 14753; Recommended Modifications of Earthworks' Oil and Gas Accountability Project to NMOGA's Proposed Rule Change to Certain Provisions of Title 19, Chapter 15, Part 16 of the New Mexico Administrative Code Concerning Log, Completion, Hydraulic Fracturing and Workover Reports, Statewide

Dear Ms. Davidson:

Please find attached Earthworks' Oil and Gas Accountability Project's proposed modifications to the above cited rule making petition from the New Mexico Oil and Gas Association. Please do not hesitate to contact me if you have any questions about this matter.

Sincerely,



Eric Jantz
Staff Attorney

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STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES 12
DEPARTMENT OIL CONSERVATION COMMISSION

RECOMMENDED MODIFICATIONS OF EARTHWORKS' OIL & GAS ACCOUNTABILITY PROJECT TO THE NEW MEXICO OIL AND GAS ASSOCIATION PROPOSED RULE CHANGE TO CERTAIN PROVISIONS OF TITLE 19, CHAPTER 15, PART 16 OF THE NEW MEXICO ADMINISTRATIVE CODE CONCERNING LOG, COMPLETION, HYDRAULIC FRACTURING AND WORKOVER REPORTS, STATEWIDE.

CASE NO. 14753

RECOMMENDED MODIFICATIONS

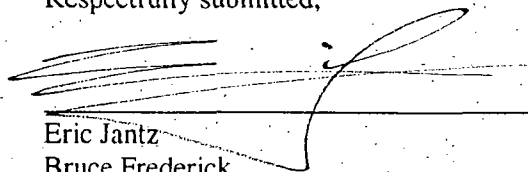
Earthworks' Oil & Gas Accountability Project (OGAP), through its undersigned attorneys, pursuant to 19.15.3.11 NMAC, hereby files a notice of recommended modifications to the New Mexico Oil and Gas Association's (NMOGA) draft proposed amended rule 19.15.16.18 NMAC, filed on August 8, 2011.

The intended effects of, and reasons for, the modifications are to:

1. Consistent with the Surface Owners Protection Act, provide notice of planned hydraulic fracturing treatment to the surface owner;
2. Make specific those items which the operator must actually disclose, and generally harmonize what is disclosed with regulatory requirements in other states;
3. Clarify that the operator reports those items to the FracFocus website, or its successor; and
4. Eliminate redundancy in paperwork and confusion for the public by providing that the reporting under this rule is only to the FracFocus website.

A draft of the recommended modifications is attached hereto as Exhibit A and incorporated herein by reference.

Respectfully submitted,



Eric Jantz
Bruce Frederick
Douglas Meiklejohn

New Mexico Environmental Law Center
1405 Luisa St., Ste. 5
Santa Fe, New Mexico 87505
(T) 505-989-9022
(F) 505-989-3769

Attorneys for OGAP

Exhibit A to Recommended Modifications:

19.15.16.18 LOG, COMPLETION, HYDRAULIC FRACTURING AND WORKOVER REPORTS:

“CONSISTENT WITH 70-12-5.B.(1), NO LESS THAN 30 DAYS BEFORE A HYDRAULIC FRACTURING TREATMENT, AN OPERATOR SHALL PROVIDE THE SURFACE OWNER WITH NOTICE OF THE PLANNED HYDRAULIC FRACTURING TREATMENT. Within ~~20~~ 45 days after the completion or hydraulic fracturing of a well drilled for oil or gas, or the recompletion of a well into a different common source of supply, the operator shall file a completion report with the division on form C-105. For the purpose of 19.15.16.18 NMAC, a hole drilled or cored below fresh water or that penetrates oil-or gas-bearing formations or that an owner drills is presumed to be a well drilled for oil or gas. For a hydraulically fractured well ON WHICH A HYDRAULIC FRACTURING TREATMENT IS COMPLETED, the operator shall disclose ALSO REPORT, AT A MINIMUM, ALL Hydraulic Fracturing Fluids, INCLUDING THE TYPE AND VOLUME OF BASE FLUID USED, EACH ADDITIVE USED, ALL CHEMICAL INGREDIENTS CONTAINED IN THE ADDITIVES, AND THEIR ASSOCIATED CHEMICAL ABSTRACTS SERVICE REGISTRY NUMBERS, AND THE ACTUAL OR MAXIMUM CONCENTRATION OF EACH CHEMICAL INGREDIENT USED ~~Composition provided by the party performing the hydraulic fracturing stimulation operation in the template prescribed as of July 1, 2011 by TO the Ground Water Protection Council/Interstate Oil and Gas Compact Commission FracFocus Registry website OR ITS SUCCESSOR. The operator will verify compliance with this rule on~~ Form C-105, C-103 (the sundry notice subsequent report), or on the appropriate BLM Form 3160-4 or 3160-5 for Federal and Tribal Land .

As alternative to disclosure on the FracFocus Registry, an operator may attach the information with submittal of the appropriate Form C-105, C-103, BLM Form 3160-4 or 3160-5.